IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2587 OF 2005

IN

SUIT NO. 2422 OF 2005

M/s. Facet Developers Ltd .....**Plffs.**
vs.
Shailesh Ganpat Phadke and anr. .....**Defnds.**

Mr.V.R. Dhond i/b. Sandeep Kaur
for the plaintiffs.
Mr..Suresh Gole,
for defendant no.1.
Mr. A. Kamat i/b. Abbas Muktiar,
for defendant no.2.

CORAM: S.U. KAMDAR, J.

DATE : 15th September, 2005.

P.C. :.

1. By consent of the parties motion is placed on board and called out for hearing and final disposal.

2. Learned counsel for the defendant no.1 ha tendered an undertaking dated 15.9.2005. The same is taken on record. There shall be an order directing the defendant no.1 to vacate the said premises on or before 30.9.2005 in terms of his undertaking. Learned counsel appearing for the plaintiff makes a statement that in so far as tit and bit land belonging to the defendant no.1 is concerned he is not claiming any right, title and interest inrespect thereof nor he will utilise any FSI inrespect of the said land belonging to the defendant no.1. The plaintiff undertakes that he will hand over to the defendant no.1 in the proposed building the tenament of an area of not less than 405 sq.ft. Motion disposed off accordingly. No order as to costs.

sd/-

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